IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No2252 of 2006
Date of decision 18 .10.2006

Rajbir .. petitioner

Versus

State of Haryana and others .. Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR
HON'BLE MR. JUSTICE M.M.S. BEDI

PRESENT: Mr.RN Lohan, Advocate for the petitioner
Mr. Harish Rathee, Sr. DAG Haryana.

M.M.Kumar, J.

The claim made by the petitioner is to issue a direction to the respondents to appoint him as a Constable in the Haryana Armed Police on the ground that persons similarly situated to the petitioner have been appointed and allocated constabulary number.

An advertisement was issued on 8.11.2003 seeking applications for recruitment to 740 posts of Constables in the Haryana Police. The petitioner is stated to have applied under the Scheduled Caste (B) category. He duly participated in the selection process and it is claimed that his name appeared in the waiting list of ESM/SC-B category. His name was recommended by the Chairman, Selection Board, Gurgaon for appointment and he was also called for his medical examination. He was found medically fit. His antecedents were got verified on 27/28.2.2005. However, the petitioner was not given appointment although he was Wait List candidate at serial no.2.

Having heard the learned counsel, we are of the view that this petition deserved to be dismissed because the petitioner has failed to point out that any person lower in order of merit in the category of Scheduled

Caste (B) category has been offered appointment. Even otherwise Rule 22 of the Punjab Police Rules, 1934 as amended in 1998 imposes a complete prohibition to prepare a waiting list. The afore-mentioned Rule reads as under:

> " Candidates shall be appointed as constables as per the notified vacancies for the concerned unit and the candidates who are left for want of vacancies even though they have been found medically fit and their character had also been verified as good, shall be deemed to have not been selected finally and there shall be no waiting list."

We have the opportunity to consider the afore-mentioned rule and after quoting the said rules, we have dismissed CWP No. 6338 of 2006 on 20.7.2006 in respect of the candidates similarly situated like the petitioner. Therefore, we find no merit in the writ petition and the same is dismissed with no order as to costs.

(M.M.Kumar)
Judge

(M.M.S.Bedi)
Judge

18.10.2006
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